

1 JOHN W. BERRY (Cal. Bar No. 295760) (admitted *pro hac vice*)

Email: berryj@sec.gov

2 AMY JANE LONGO (Cal. Bar No. 198304) (admitted *pro hac vice*)

Email: longoa@sec.gov

3 LESLIE A. HAKALA (Cal. Bar. No. 199414) (admitted *pro hac vice*)

4 Email: hakalal@sec.gov

5 Attorneys for Plaintiff

Securities and Exchange Commission

6 Michele Wein Layne, Regional Director

7 Lorraine Echavarria, Associate Regional Director

John W. Berry, Regional Trial Counsel

8 444 S. Flower Street, Suite 900

Los Angeles, California 90071

9 Telephone: (323) 965-3998

10 Facsimile: (213) 443-1904

11 **UNITED STATES DISTRICT COURT**

12 **DISTRICT OF NEVADA**

15 SECURITIES AND EXCHANGE
16 COMMISSION,

17 Plaintiff,

18 vs.

19 BANC DE BINARY LTD, OREN
20 SHABAT LAURENT (f/k/a OREN
21 SHABAT), ET BINARY OPTIONS LTD.,
22 BO SYSTEMS LTD. SEYCHELLES and
BDB SERVICES LTD. SEYCHELLES,

23 Defendants.

Case No.: 2:13-cv-00993-RCJ-VCF

**STIPULATION AND PROPOSED ORDER
FURTHER STAYING ACTION PENDING
POTENTIAL SETTLEMENT**

25 WHEREAS, Plaintiff Securities and Exchange Commission (the “SEC”) and Defendants
26 Banc de Binary Ltd, Oren Shabat Laurent, ET Binary Options Ltd., BO Systems Ltd. Seychelles,
27 and BDB Services Ltd. Seychelles, have reported to the Court that they reached a potential
28 settlement in principle that would resolve this action and the action *CFTC v. Banc de Binary Ltd*

1 *et al.*, Case No. 2:13-cv-00992-MMD-VCF (the “CFTC Action”);

2 WHEREAS, the defendants in this action and the CFTC Action, counsel for the CFTC
3 and counsel for the SEC have executed a Term Sheet re: Proposed Global Settlement, dated
4 August 27, 2015, reflecting the terms of their proposed agreement in principle (the “Proposed
5 Global Settlement”);

6 WHEREAS, the Proposed Global Settlement is subject to approval by both the
7 Commissioners of the SEC and the Commissioners of the CFTC;

8 WHEREAS, in the interests of efficiency for the Court and the parties, the parties
9 previously agreed to stay this action, subject to the Court’s approval, so that the parties can
10 attempt to finalize the governing documents for the Proposed Global Settlement, counsel for the
11 SEC can recommend the settlement to the SEC Commissioners, and the parties can file, if
12 approved by the SEC Commissioners, any resulting final settlement papers (*see* Dkt. No. 137);

13 WHEREAS, the Court approved and ordered the requested stay, staying the action until
14 October 23, 2015 unless a party filed a notice to lift that stay (*see* Dkt. No. 137);

15 WHEREAS, because the parties have made substantial progress toward finalizing the
16 governing documents for the Proposed Global Settlement, the parties have agreed to stay the
17 action further, subject to the Court’s approval, for an additional ten weeks, taking into account
18 the upcoming winter holidays, so that they can attempt to finish the process of finalizing the
19 documents, counsel for the SEC can recommend the settlement to the SEC Commissioners, and
20 the parties can file, if approved by the SEC Commissioners, any resulting final settlement papers;
21 and

22 WHEREAS, the parties to the CFTC Action are simultaneously filing a similar proposed
23 stipulation and order to stay the CFTC Action, for the same duration;

24 FOR THE REASONS SET FORTH ABOVE, IT IS HEREBY STIPULATED, by and
25 among counsel for the parties as follows:

- 26 1. This action is stayed until December 31, 2015.
- 27 2. Before December 31, 2015, this stay shall be lifted without further action by the
28 Court upon the filing of a notice by any party to lift the stay, at which point the litigation shall

1 immediately resume on the filing date of that notice, with the parties restored to their respective
 2 positions as of the date of this stipulation. No party can challenge or dispute the filing of a notice
 3 to lift the stay by another party. To the extent the stay is lifted by such notice by a party, the
 4 defendants' response to the SEC's pending summary judgment motion (Dkt. Nos. 126, 128) shall
 5 be due four business days after the notice is filed. Moreover, within five business days of the
 6 filing of party's notice to lift the stay, the parties agree to jointly request a status conference with
 7 the Court to address the remaining pretrial and trial schedule.

8 3. If the SEC Commissioners do not approve a settlement or a final settlement is not
 9 otherwise reached, with all definitive final documents filed with the Court, by December 31,
 10 2015, then the litigation shall resume on that day, without further action of the Court and with
 11 the parties restored to their respective positions as of the date of this stipulations. The
 12 defendants' response to the SEC's pending summary judgment motion (Dkt. Nos. 126, 128) shall
 13 be due January 8, 2016. Moreover, on or before January 11, 2016, the parties agree to jointly
 14 request a status conference with the Court to address the remaining pretrial and trial schedule.

15 Dated: October 23, 2015

Dated: October 23, 2015

16 /s/ John W. Berry (w/ permission)

/s/ Rachel Hirsch

17 John W. Berry

A. Jeff Ifrah

Amy J. Longo

Rachel Hirsch

18 Leslie A. Hakala

Ifrah Law

444 S. Flower Street, 9th Floor

1717 Pennsylvania Avenue, NW, Suite 650

Los Angeles, CA 90071

Washington, DC 20006-2004

Telephone: (323) 965-3998

Telephone: (202) 524-4140

Facsimile: (213) 443-1904

Facsimile: (202) 524-4141

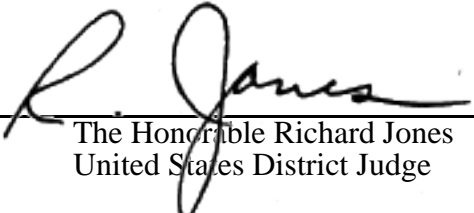
Attorneys for Defendants

22 *Attorneys for Plaintiff*

23 *Securities and Exchange Commission*

24 IT IS SO ORDERED.

25 Dated: November 3, 2015 _____

27 
 28 The Honorable Richard Jones
 United States District Judge

PROOF OF SERVICE

I am over the age of 18 years and not a party to this action. My business address is:

1717 Pennsylvania Avenue, Suite 650, Washington, D.C. 20006
Telephone No. (202) 524-4140; Facsimile No. (202) 524-4141

On October 23, 2015, I caused to be served the document entitled **STIPULATION AND PROPOSED ORDER FURTHER STAYING ACTION PENDING POTENTIAL SETTLEMENT** on all the parties to this action addressed as stated on the attached service list:

☐ **OFFICE MAIL:** By placing in sealed envelope(s), which I placed for collection and mailing today following ordinary business practices. I am readily familiar with this agency's practice for collection and processing of correspondence for mailing; such correspondence would be deposited with the U.S. Postal Service on the same day in the ordinary course of business.

☐ **PERSONAL DEPOSIT IN MAIL:** By placing in sealed envelope(s), which I personally deposited with the U.S. Postal Service. Each such envelope was deposited with the U.S. Postal Service at Los Angeles, California, with first class postage thereon fully prepaid.

☐ **EXPRESS U.S. MAIL:** Each such envelope was deposited in a facility regularly maintained at the U.S. Postal Service for receipt of Express Mail at Los Angeles, California, with Express Mail postage paid.

☐ **HAND DELIVERY:** I caused to be hand delivered each such envelope to the office of the addressee as stated on the attached service list.

☐ **UNITED PARCEL SERVICE:** By placing in sealed envelope(s) designated by United Parcel Service ("UPS") with delivery fees paid or provided for, which I deposited in a facility regularly maintained by UPS or delivered to a UPS courier, at Los Angeles, California.

☐ **ELECTRONIC MAIL:** By transmitting the document by electronic mail to the electronic mail address as stated on the attached service list.

☒ **E-FILING:** By causing the document to be electronically filed via the Court's CM/ECF system, which effects electronic service on counsel who are registered with the CM/ECF system.

☐ **FAX:** By transmitting the document by facsimile transmission. The transmission was reported as complete and without error.

I declare under penalty of perjury that the foregoing is true and correct.

Date: October 23, 2015

/s/ Rachel Hirsch
Rachel Hirsch

SEC v. Banc de Binary Ltd, et al.
United States District Court – District of Nevada
Case No. 2:13-cv-00993-RCJ-VCF

SERVICE LIST

John W. Berry, Esq.
Amy J. Longo, Esq.
Leslie A. Hakala, Esq.
U.S. SECURITIES AND EXCHANGE COMMISSION
444 S. Flower Street, Suite 900
Los Angeles, California 90071
Telephone No. (323) 965-3998
Facsimile No. (213) 443-1904

Attorneys for Plaintiff, SEC

Craig S. Denney, Esq.
Greg Brower, Esq.
Carrie L. Parker, Esq.
SNELL & WILMER L.L.P
50 West Liberty Street, Suite 510
Reno, NV 89501
cdenney@swlaw.com
gbrower@swlaw.com
cparker@swlaw.com
Tel: (775) 785-5440

Attorneys for Defendants